

# MINTZ LEVIN

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## BY ELECTRONIC COMMENT FILING SYSTEM

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

**Re: Saia Communications Annual CPNI Certification 2010  
EB Docket No. 06-36**

Dear Ms. Dortch:

As required by the rules of the Federal Communications Commission at 47 C.F.R. § 64.2009(e), attached is the annual Customer Proprietary Network Information (CPNI) Certification from Saia Communications, Inc. Please contact the undersigned with any questions or need for additional information.

Respectfully submitted,

*/s/ Russell H. Fox*

Russell H. Fox

Attachment

**Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.**

BOSTON | WASHINGTON | NEW YORK | STAMFORD | LOS ANGELES | PALO ALTO | SAN DIEGO | LONDON

**Annual 17 C.F.R. § 64.2009(e) CPNI Certification**  
**EB Docket 06-36**

Annual 64.2009(e) CPNI Certification for 2010 Covering the Prior Calendar Year 2009

Date filed: March 1, 2010

Name of company covered by this certification: Saia Communications, Inc.

Form 499 Filer ID: 815344

Name of signatory: Lyn Saia

Title of signatory: President

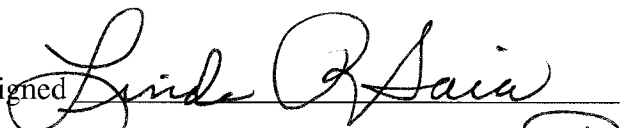
I, Lyn Saia, certify that I am an officer of the company named above and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See 47 C.F.R. § 64.2001 et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules.

The company has not taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system. or at the Commission against data brokers) against data brokers in the past year.

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI.

The company represents and warrants that the above certification is consistent with 47 C.F.R. § 1.17 which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.

Signed   
President

**Attachment:** Accompanying Statement explaining CPNI procedures

## **Saia Communications, Inc. Explanation of Compliance with FCC CPNI Rules**

To ensure compliance with Federal Communications Commission (“FCC” or “Commission”) rules and orders governing protection, use, and disclosure of customer proprietary network information (“CPNI”), Saia Communications, Inc. (“Saia”) has adopted the attached CPNI Policy and Employee Guidelines (“CPNI Policy”). An officer of the company has been assigned responsibility for ensuring that the CPNI Policy is consistently followed, that CPNI complaints and problem reports are appropriately responded to, and that all required reports to law enforcement and the FCC are timely made. All employees that have access to customers or customer data are made aware of the CPNI Policy through review of the policy and its requirements. A copy of the CPNI Policy has been provided to each such employee.

The CPNI policy does not include rules for protection of CPNI in marketing uses because Saia does not use or allow others to use its customers’ CPNI for marketing of any kind. The CPNI Policy does not include provisions for password protection for disclosure of call detail information by telephone because Saia does not provide any CPNI by telephone. The CPNI Policy does not include provisions for password protection for disclosure of CPNI online because Saia does not provide access to any CPNI online. The CPNI Policy does not include provisions for regulating customer access to CPNI in person at retail outlets because Saia does not maintain any retail outlets.

## Safeguarding Customer Proprietary Network Information Saia Communications, Inc. Policy and Employee Guidelines

***Policy Statement:*** It is the policy of Saia Communications, Inc. (“Saia”) to protect and maintain the confidentiality of customer proprietary network information as required by federal law. The company has a duty under federal law to protect the confidentiality of customer information and relies on its employees to fulfill that duty. Customer proprietary network information will be used or disclosed by Saia employees only as permitted by applicable federal regulations and Saia procedures as described below.

***Types of customer information protected:*** During the course of a customer’s relationship with Saia, the company will come into possession of information about the customer’s use of the company’s services. Federal law specifically protects customer information that relates to the quantity, technical configuration, type, destination, location, and amount of use of the customer’s service, as well as any service information contained in the customer’s bill.<sup>1/</sup> Such information may include, for example, the phone numbers called by a customer, the length of the calls, and records of additional services purchased by the customer, such as voice mail.

***Restrictions on use and disclosure of customer information:*** Customer information may not be used by or disclosed to anyone outside of Saia without the customer’s express permission. Within Saia, customer information will be used only for the purpose of providing customer service as described below. Saia does not use, or allow others to use, customer information for the purpose of marketing to its customers.

***Types of Customer Permission Required:*** Upon written request from the customer, the customer’s information may be disclosed to any person designated by the customer. Customer information will not be released to a customer over the phone. Customers may, over the phone or in writing, request that Saia send call detail information to the customer’s postal or e-mail address of record or request that Saia call the customer’s telephone number of record with the requested information.

***Exceptions to use and disclosure restrictions:*** Saia will use or disclose customer information without permission only for the following purposes:

1. to provide services (including installation, maintenance, repair, and billing for services) in any category of services to which the customer subscribes;
2. to protect Saia, its customers, or other parties against fraudulent, abusive or unlawful use of services; or
3. to respond to a legal demand for the information (*e.g.*, a subpoena or court order).

Supervisors may authorize employee use of customer information for purpose #1, above. Supervisors faced with a situation described in purposes #2 or #3 should consult

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<sup>1/</sup> These types of information have been termed “customer proprietary network information” or “CPNI” by the Federal Communications Commission.

with the company's counsel before using or disclosing any customer information. Questions about any of these situations, or demands for use of customer information other than those described above should be directed to the company's counsel.

***Employee Training:*** As part of initial orientation and training, all new employees will be informed of Saia's policies and procedures with regard to protection and appropriate access and use of customer information.

***Required Notifications and Annual Certification:*** To allow a customer to verify that any change of proprietary information was intentional, the company will notify a customer immediately, through telephone call to the customer's number of record or mail to the customer's address of record,<sup>2/</sup> of any changes to the customer's address of record.

In any instance where a security breach results in customer information being disclosed to a third party without the customer's authorization, the employee discovering the breach must immediately notify the appropriate supervisor, who will notify the company's counsel. The company's counsel will, no later than seven days after determination of the breach, notify law enforcement through an online central reporting facility maintained by the United States Secret Service ("USSS") and the Federal Bureau of Investigation ("FBI"). Unless instructed otherwise by law enforcement, Saia will notify the customer of the breach seven days after reporting it to the USSS and FBI.

The company will, by March 1st of each year, execute the required certification of Saia's compliance with customer information protection regulations along with the required report of actions taken against data brokers attempting to obtain customer information and summary of consumer complaints of unauthorized release of customer information during the previous calendar year.

***Penalties for misuse or inappropriate disclosure of customer information; reporting misuse:*** Misuse or inappropriate disclosure of customer information can subject Saia to legal penalties that may include substantial monetary fines. Employees involved in misuse or inappropriate disclosure of customer information are subject to employee disciplinary action, including possible termination from employment.

Supervisors or employees aware of misuse or inappropriate disclosure of customer information must report that knowledge to the president of Saia when such misuse or inappropriate disclosure is discovered.

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<sup>2/</sup> A customer's address of record may be any address, either postal or electronic (*i.e.*, e-mail), that has been associated with the customer's account for at least 30 days. The telephone number of record must be the number associated with the underlying service, and not some other number the customer has given as "contact information."